

Monday-night visitation safe after ruling by Supreme Court

By Robert Marus
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WASHINGTON (ABP)—Monday-night visitation is safe, thanks to the Supreme Court.

The high court ruled June 17 that anonymous door-to-door proselytizing is protected by the First Amendment of the Constitution.

In an 8-1 decision, the high court ruled that communities cannot require religious groups to obtain a permit before witnessing door to door.

The justices sided with Jehovah's Witnesses, who challenged an ordinance in a small Ohio town requiring canvassers to register with the city, obtain a permit before engaging in door-to-door solicitation and produce the permit if a resident asks.

Leaders of the village of Stratton, Ohio, said the ordinance was needed to protect elderly residents against harassment by solicitors and fraud by con artists going door to door.

The town's Jehovah's Witnesses refused to apply for a permit, however, saying it was tantamount to forcing them to get permission from the government before preaching to their neighbors.

"It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so," Justice John Paul Stevens wrote in his opinion for the majority.

The court's two most conservative justices, Antonin Scalia and Clarence Thomas, joined with the majority in the case but rejected at least part of its reasoning.

Scalia and Thomas particularly disagreed with the majority's notion that some people would have religious or patriotic objections to registering with a government official for any purpose. "If our free-speech jurisprudence is to be determined by the predicted behavior of such crackpots, we are in a sorry state indeed," Scalia wrote.

The lone dissenter to the decision, Chief Justice William Rehnquist, said he believed Stratton's registration law served the state's interest in preventing crime. Burglars or other criminals will pose as canvassers in order to "case" neighborhoods and homes, he said.

The majority opinion argued that the Stratton ordinance likely would not deter such criminals anyway.

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